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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,330	09/18/2001	Kirtikumar Natubhai Patel		9602

7590 11/17/2004

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EXAMINER

REILLY, SEAN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/955,330	PATEL, KIRTIKUMAR NATUBHAI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sean Reilly	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/18/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)*            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This office action is a first action on the merits of this application, filed on 9/18/2001.

Claims 1-11 are presented for further examination.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is encouraged to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

While the applicant is encouraged to secure the services of a registered patent attorney or agent to prosecute this application, it is also brought to the attention of the applicant that there does not appear to be any allowable subject matter disclosed. The applicant is encouraged to review the prior art made of record in the attached PTO 892 forms.

### ***Priority***

The effective filing date for the subject matter defined in the pending claims of this application is 9/20/2000.

*Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a means of distributing the implementation, function, features and complexity inherent in dense structure portals as described in the specification. It is unclear how any of the components in figures interact or further how they relate to the disclosed invention. A thorough description of each drawing, including each pertinent component and how it interacts with other components is required in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: Figures 1-7 are referenced several times throughout the disclosure however, it is often unclear how the disclosed invention relates to the referenced figures. References to the figures must include a thorough description of each figure referenced, specifically stating how the figure relates to the disclosed embodiment. The applicant must label each pertinent component of the figures and reference the pertinent components in the disclosure. Appropriate correction is required.
3. As a whole the disclosure is often vague, unclear, and incomprehensible to one of ordinary skill in the art. The applicant is encouraged to amend the current disclosure to include clear and concise verbiage. The applicant is further encouraged to amend the current disclosure to include specific embodiments of the present invention using clear and concise verbiage.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-11 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter, or otherwise lacks patentable utility.
5. Claim 1 recites "a network system and method of manufacture and assembly" in the preamble. The claim is directed to neither a "process" nor a "system," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is

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drafted so as to set forth the statutory classes of invention in the *alternative only*. Refer to MPEP § 2173.05(p).

6. The “systems” of claims 1-11 are drawn to a software system. The specification and claims fail to describe each element in hardware or hardware and its associated software and how such elements are interrelated. Refer to MPEP § 2106 for more information regarding statutory subject matter and computer “related” inventions.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While many of the limitations in the claims are indefinite, at a minimum the disclosure fails to adequately discuss: the integration of distributed portals, the maintaining of integrated portals, the propagation of applications and practical functions across a network of various portals, interfaces, automation of portal functions, and the matching of services from a provider to a user.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite. See *ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990).

9. Claims 1-11 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-11 rejected under 35 U.S.C. 102(e) as being anticipated by Brockhurst (U.S. Patent Application Number 2001/0047387).

11. Regarding claim 1, Brockhurst discloses:

- ❑ network system and method of manufacture and assembly of Vertical Portal(s), Horizontal portal(s) and any multi-portal-system participating portal(s) (Abstract and Pg 1, ¶ 08);
- ❑ a multi-portal system wherein end-users or participants are connected/linked or registered or interfaced at any number of portals and participate within the system as well as outside the system via the system system of integrated distributed portals with interfaces to the participants (Pg 2, ¶ 29 and 30);
- ❑ a system of two or more distributed portals; a means for practically distributing/propagating application(s) and practical functions across the network or various portals within or outside the multi-portal system; multi-portal internally inter-linked as well as optionally externally linked/inter-linked systems/portals (Pg 2, ¶ 29 and 30); but not limited to the internet or intranet(s) or extra-net(s) (Pg 4, ¶ 50);
- ❑ a system for integrating/maintaining various portals to function in concert within or outside the system (Pg 4, ¶ 50).

12. Regarding claims 2-11, the limitations set forth in claims 2-11 fail to further limit over claim 1, hence they are rejected under similar grounds.



*Conclusion*

13. The prior art made of record, in attached PTO form 892, and not relied upon is considered pertinent to applicant's disclosure.

**14. This office action is made NON-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
November 4, 2004

  
JACK B. HARVEY  
SUPERVISOR, PATENT EXAMINER